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# Developing the National/Regional System of Marine Protected Areas from the State and Territorial Perspective:

## *A Summary of Three State Regional Workshops*

A White Paper Presented at the Coastal Zone '05 Conference  
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Coastal States Organization  
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Developing the National/Regional System of Marine  
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# Developing the National/Regional System of Marine Protected Areas from the State and Territorial Perspective: *A Summary of Three State Regional Workshops*

## I. Introduction

*Presidential Executive Order 13158 on Marine Protected Areas* (MPAs), signed on May 26, 2000, directs the National Oceanic and Atmospheric Administration (NOAA) through its National MPA Center and the Department of the Interior (DOI) to work with other federal agencies and to consult with states, territories, tribes, and the public to develop a scientifically-based, comprehensive national system of MPAs. The Executive Order defines “marine protected area” as “any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.”

The Executive Order does not create any new authority to establish or manage MPAs. As a result, the national system will rely entirely on existing MPA programs, authorities, and sites that represent the nation’s diverse marine ecosystems, including marine, coastal, estuarine, and Great Lakes waters. State and territorial (state) participation in the national MPA system is voluntary. However, given the significant marine resources outside of federal jurisdiction, a national system would be lacking without the participation of state, territory, tribal, and other partner programs and sites.

In an effort to gather state information, ascertain their perceptions, and assess their level of participation, the MPA Center held three regional workshops (Appendix A). Representative state coastal, fisheries, and cultural resource managers were invited to attend (Appendix B). The primary goal of these workshops was for participants to develop draft recommendations to the MPA Center about their role, opportunities, concerns, and considerations as they relate to their voluntary participation in a national system of MPAs (Appendix C). This white paper reflects a summation of the views of the attendees from the three workshops. A full report offering complete state reaction and full recommendations to the MPA Center, together with background information on the national system of MPAs and material on the ongoing Marine Managed Area Inventory Project, will be completed and available in October 2005.

Some of the workshop participants were also members of the Marine Protected Areas State Advisory Group (SAG), a consultative and representative body that seeks to provide guidance and recommendations to the MPA Center on matters relevant to state interests pursuant to the Executive Order and the efforts of the MPA Center. Members of the SAG are state leaders in natural and cultural coastal resource management, and are in a unique position to both assure that the forthcoming national system of MPAs will accurately reflect the interests of their respective states, and to improve the effectiveness of the system to protect and enhance cultural and living marine resources. Please see the SAG’s membership list in Appendix D and its Mission Statement in Appendix E. Three of the participants were also members of the Marine Protected

Areas Federal Advisory Committee (FAC). The FAC is made up of individuals appointed by the Secretary of the Department of Commerce who represent parties interested in the use of MPAs as a management tool, and serve for two-year terms. They represent a broad stakeholder community, including scientists, academia, commercial and recreational fishermen, other resource users, state and tribal resource managers, and environmentalists. In addition, nine pertinent federal agencies are represented by non-voting ex-officio members of the committee. The committee's role is to provide expert advice and recommendations to the Secretaries of Commerce and the Interior on implementation of aspects of the Executive Order. In June 2005, the FAC published a document entitled "A Report of the Marine Protected Areas Federal Advisory Committee on Establishing and Managing a National System of Marine Protected Areas" that presents the findings of the committee. Please see Appendix F for a list of FAC members, and contact Lauren Wenzel of the MPA Center at [Lauren.wenzel@noaa.gov](mailto:Lauren.wenzel@noaa.gov) for more information regarding the FAC.

At each workshop, the attendees were asked to discuss and list their primary questions, issues, hopes, fear, challenges, and opportunities regarding state participation in the development and implementation of a national system of MPAs, and then offer recommendations to the MPA Center. The following represents a synopsis of these findings.

## II. State Recommendations

In February of 2004 the MPA Center and the Coastal States Organization published a document entitled "State Policies and Programs Related to Marine Managed Areas: Issues and Recommendations for a National System." This document explored the myriad issues surrounding state participation in a national system of MPAs, and included six broad recommendations:

- 1. Coastal states should assess legislative authority and administrative capabilities for marine managed areas; and, where appropriate, develop a systematic approach to areas under state jurisdiction.*
- 2. Coastal states should utilize the National Coastal Zone Management Program to enhance MPA Systems.*
- 3. Develop a consistent national terminology and MPA classification system.*
- 4. Provide financial, technical, and scientific support to enable states to participate in a national system of marine protected areas.*
- 5. Establish a clear process for future MPA designations in federal waters and across federal/state jurisdictions.*
- 6. Utilize a regional framework for the national MPA system.*

The state recommendations from the three workshops echoed these broad suggestions, and are natural progressions from this report, but also delved far deeper into specific issues. To meet the national MPA system challenges and seize the opportunities developed at the regional MPA workshops, the workshop participants produced the following list of action items and recommendations to be presented to the MPA Center:

### **Definitions and Processes**

- The MPA Center needs to set unambiguous and consistent definitions, goals, and criteria.
- The national system of MPAs should include the shoreline and land/water interface in all MPA sites as a way to recognize connection between land and water uses and users.
- The criteria for site entry into the national system should be general and flexible enough to allow for differences between states and agencies within states.
- Consider adopting legislative authorities for providing a clearer, consistent direction for state Marine Protected Area programs.
- Simplify the site nomination process.

### **Jurisdiction and Governance**

- A national MPA system must include regional links across jurisdictions between states, territories, and nations, e.g., U.S. and Canada, U.S. and Mexico, American Samoa and Tonga.
- For MPAs that cross jurisdictional boundaries perhaps states can coordinate their efforts to spend their funds more efficiently.

### **Benefits of State Involvement**

- The MPA Center should maintain an open dialogue with the states and other stakeholders on the development of the national MPA system framework.
- The entire cultural resources thread and discussion needs to be woven in, not just “tacked on” to coastal and fishery management plans for MPAs. An amplified emphasis on cultural and historic resources can engage a whole new community of people to MPAs. Further, cultural resources must also include living and traditional cultures and not just sites and artifacts.

### **Financial and Technical Support**

- Federal support to states must include adequate funding (including seed money), grant programs, technical and GIS assistance, enforcement, assessment, and monitoring efforts.
- Federal and state funding should also be offered for habitat survey work, research to address current information gaps and to determine effectiveness of

existing management controls, and socio-economic analyses to determine the anticipated impacts of different conservation measures on user groups.

- Compensation packages could provide monetary relief for harvesters and be limited in duration to reflect anticipated benefits to fish stocks after protected areas have been established.

### **Goals and Measures of Success**

- To bring many interested parties together via a large workshop with many state and federal representatives and other stakeholders – might tag onto The Coastal Society Conference in May 2006 in St. Petersburg, FL.
- Develop the best baseline scientific information possible and have it available for dissemination to better manage coastal, fishery and cultural MPA resources both within individual states and territories and regionally.
- The MPA Center should document and publish MPA success stories and share “lessons learned” case studies.
- The MPA Center should examine existing models and other examples of MPAs (both national and international) to help develop the national system.

### **Communication and Outreach**

- The MPA Center should partner with Sea Grant, Chambers of Commerce, League of Women Voters, the National Governors Association, the Great Lakes Commission, the Society for American Archaeology, the Society for Historical Archaeology, NGOs, and other organizations currently underrepresented. This should include directing available funding to assist these group’s efforts in aiding the development of regional MPAs.
- Each state should identify a state lead(s) to coordinate with the MPA Center, or create a MPA council to serve as a central point of contact, including the development of a clearinghouse to coordinate all communications and outreach.
- The MPA Center should develop a strategy to reach out to those groups that may be unreceptive to MPAs as a way to clarify perceptions, attitudes, and conflicts. This should include the development of a one-pager on why the MPA national system is important for states and other stakeholders that should be disseminated widely...
- For fisheries and cultural resource management interests, the MPA Center should utilize existing state coastal policies and programs to integrate with state and regional fisheries management and historic preservation councils and agencies to enhance state MPAs.

### **III. Workshop Findings**

To arrive at the previous recommendations, the state and territorial workshop participants focused on developing key questions, challenges, and opportunities relating to their participation in a national system of marine protected areas. The primary results from the three workshops, as viewed from the state and territorial perspective, are as follows:

#### **A. Primary State Questions and Issues**

As a whole, the state agency representatives concluded that the primary questions and issues related to the development of a national system of MPAs fall into the following broad categories:

##### **Definitions and Processes**

- What is the definition of a national system for regional and/or state use?
- What types of sites should be included in a national system?

##### **Jurisdiction and Governance**

- What are the particular issues that impact sites with shared federal and state jurisdiction?
- Who has the jurisdiction or authority to establish MPAs in federal waters and, specifically, how is this done?
- What is the role of states in establishing MPAs?
- How can states best work with Congressional delegations and other federal agencies?

##### **Benefits of State Involvement**

- What are the value-added benefits of a national system to MPAs in state waters?
- What potential benefits of the national MPA system warrant state participation?

##### **Financial and Technical Support**

- Will federal funding be available for state involvement in the national system of MPAs for inventories, monitoring, research and enforcement?

### **Goals and Measures of Success**

- What will it take for the national system to be successful in the state's eyes?
- What do states want the national system to accomplish?
- What are the best ways to ensure the integration of the various objectives of MPAs, e.g., living marine resource management, cultural resource preservation, recreational opportunities, etc.?
- Can this lead to more efficient use of federal, state, and local funds?

### **Communication and Outreach**

- What are the best ways to maintain and enhance the communication between the states and NOAA/DOI?
- How can states and the MPA Center best involve and inform the general public?
- How can the MPA State Advisory Group be used most effectively?

### **B. State Challenges and Opportunities**

As the states, territories, and commonwealths are voluntary partners in this effort, state workshop participants expressed a number of challenges and opportunities regarding the establishment of the national/regional MPA system. These are summarized below:

#### **Definitions and Processes**

- The definition of a “national system” is unclear and confusing, especially as state and federal government officials use different terms when discussing MPAs. We need unambiguous, concise, and consistent definitions and terms for the use of resource managers, politicians, and the public to allow analytical comparison across regions and sites.
- Among state resource managers there is confusion and misunderstanding over the actual workings of the MPA Executive Order, the Marine Managed Inventory Project, and the different types of regulations, jurisdictions, and MPAs. Better education and outreach, together with coordinated dialogue between state and federal agencies, and inclusive participation is needed. This will also address the pre-conception of many that all MPAs are no-take/no-access zones.
- The MPA site nomination process should be open and rigorous, but the criteria for entry into the national system should be general and flexible enough to allow for differences between states and agencies within states.



## **Jurisdiction and Governance**

- It is critical to states that the MPA national system adequately addresses the delineation of decision-making authority (i.e. federal and state roles). This is not presently clear. There is also an overriding concern that states will lose some or all of their authority over MPA sites within their waters, and that some states or interest groups may use MPA designation as opportunity to restrict usage
- The national system of MPAs must have a mechanism for partnering with or recognizing adjacent states that may not have MPAs or the ability to designate MPAs, but that already work on interstate water quality issues. Working across state geographic boundaries (e.g. watershed issues) may become a higher priority as a national system is developed.
- The national system of MPAs may provide a mechanism for protecting cultural resources outside of state waters.
- The national system of MPAs may leverage and encourage action on adjacent land areas in coastal regions. However, there is the possibility that traditional uses may have to change as MPAs may restrict “private rights.”
- There are conflicts between MPA natural, cultural, and fishery resource management and protection goals and programs, and state confusion as to how state agencies, the SAG, the MPA Center, DOI, the MMA Inventory Project, NGOs, the private sector, the Coastal States Organization and other “pieces of the MPA puzzle” link together to develop the national system of MPAs. A full cross-disciplinary effort across all interested parties and disciplines is needed. Without this, a new “piecemeal” agency that hinders ongoing efforts by other stakeholders may emerge.
- There is not enough focus on fisheries agencies and their relationship with other agencies. The MPA Center must clarify how existing fisheries management structure will be used in consideration of the national MPA system.

## **Benefits of State Involvement**

- The MPA Center must demonstrate the benefits of a national system of MPAs to the states, and be sure to not put the system together in an ad hoc way without adequate state involvement. A national system may help identify important areas, give name and recognition to an area that is deemed “special”, and increase public awareness.
- A national system of MPAs may conflict with state priorities and processes, but MPAs themselves have the potential to increase tourism, enhance local and state economic development, provide sustainable development, and better manage fisheries resources. They may also aid in coordinating GIS activities within a state and provide better appreciation of cultural/historic resources.

### **Financial and Technical Support**

- Most states lack adequate resources (funding, staff time, research, monitoring, enforcement, public educational programs, etc.) to fully design or implement their participation in a national system of MPAs. Thus, federal funding and technical support to aid the identification, development, and management of existing and new MPAs within a national system must be realized. A little money can go a long way. The worst scenario for states is an unfunded federal mandate.
- State governments may also be called upon to fund initiatives to be part of a national system, although a reallocation of state resources could harm existing programs already strapped for funding.

### **Goals and Measures of Success**

- States hope that the national system of MPAs will be a simplified, pragmatic approach to MPA management that does not supersede state efforts, reduce or eliminate state jurisdictional controls, nor burden state governance. Negative results would include the establishment of a “paper” MPA system with little or no real management; a loss of political will if a site can not be effective due to a lack of protection from other unregulated impacts on the site; or the creation of an additional level of unfunded state and local needs.
- To be successful to states the national MPA system must show that MPAs are an effective management tool; create positive economic impacts; demonstrate a good return on a state’s investment; and show benefits to a state that already has comprehensive state protections in place. This will require very good scientific information and other data to support ecosystem-based management models.
- It is important that the system contain a way to identify unprotected resources in need of protection (i.e., through gap analysis) and mechanisms for protecting those resources.
- Success should not, however, be measured by state participation. In fact, a state’s efforts in providing background and input as a cooperating party should not imply full support of the national system being developed.

### **Communication and Outreach**

- To better engage states in the national system, the MPA Center needs a targeted campaign of outreach, education, public relations. and marketing to illustrate to the value-added benefits of participating in the national system. This may help identify and reduce the many inefficient simultaneous efforts to propose,

designate, initiate, and map MPAs that are presently occurring without coordination.

- An overriding key component of the national system of MPAs must be the opportunity for state agencies to cooperate and partner with other agencies and programs within their state, federal agencies (including fisheries management agencies), non-governmental organizations, international counterparts, and the private sector. This will offer the cross-cutting benefits of cooperation, coordination, and promotion of education and research; an improvement in communications between and within agencies; and will help leverage active participation by many user and user groups. One caveat, however, is the inherent problem of overlapping jurisdictions that may occur between agencies.
- As it is important to recognize and solicit input on MPA management from stakeholders at all levels, it is critical to develop local stakeholder meetings at the community level that feed into a larger regional framework. This will help develop a national constituency to support marine conservation. An open process that is inclusive and transparent is necessary to increase public recognition of the need to zone the ocean and protect it, and to demystify MPAs. This open process should easily communicate information about MPAs and the national system so that all stakeholders can participate.

#### **IV. Next Steps**

Following a discussion of these findings at a panel session during July's Coastal Zone '05 Conference in New Orleans, LA, a full analytical report of state reaction and recommendations that builds upon the workshop results will be produced and presented to the MPA Center in October 2005. For further information please see the MPA Center website [www.mpa.gov](http://www.mpa.gov), or contact:

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## V. Appendices

### Appendix A

The three state MPA regional workshops:

- West Coast — February 2–3, 2005 in Tiburon, CA. Twenty-four state agency representatives from Alaska, American Samoa, California, Hawaii, Oregon and Washington joined participants from six federal agencies.
- South Atlantic/Gulf Coast — April 12–13, 2005 in St. Petersburg, FL. Twelve state agency representatives from Florida, Georgia, Louisiana, North Carolina and Texas joined state participants from Oregon and Massachusetts, and five federal agencies.
- Great Lakes, East and Mid-Atlantic Coast — June 28–29, 2005 in Chicago, IL. Eighteen state agency representatives from the Great Lakes, Northeast and Mid-Atlantic states of Delaware, Maine, Massachusetts, Maryland, Michigan, Minnesota New York, Ohio, and Wisconsin joined officials from four federal agencies.

The federal agencies represented at the workshops included NOAA's National MPA Center, the Fish and Wildlife Service, the National Park Service, the National Wildlife Refuge System, and the National Marine Sanctuaries Program.

## Appendix B

### List of Workshop Participants

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## Appendix C

The workshop goals:

1. Initiate a dialogue among the federal MPA Center and the state and territorial decision-makers on their roles, opportunities, concerns, and considerations as it relates to participation in a national/regional system of marine protected areas.
2. Provide a forum for state managers to discuss current and future efforts, challenges, successes, and state-federal coordination in marine protected area planning and management, and to network with one another.
3. Foster a greater understanding for the development of the “national/regional/state system of marine protected areas” among the coastal states and territories that will be part of this system.

Appendix D

Marine Protected Areas State Advisory Group

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## Appendix E

### MPA State Advisory Group Mission Statement

The Marine Protected Areas (MPA) State Advisory Group (SAG) seeks to provide guidance and recommendations to the National Oceanic and Atmospheric Administration's (NOAA) National Center for Marine Protected Areas (National MPA Center), NOAA's National Ocean Service's (NOS) Special Projects Office, and the Department of the Interior on matters relevant to state interests pursuant to *Executive Order 13158 on Marine Protected Areas*. The SAG seeks to improve the coordination and effectiveness of ongoing state and federal efforts to analyze, establish, monitor, evaluate, and enforce a system of regional networks of marine protected areas that will protect and enhance cultural, living, and non-living marine resources for sustainable use and enjoyment.

#### ***Objectives/ Tasks***

- i. The SAG will provide guidance and recommendations from the state perspective to the National MPA Center on its goal of developing and implementing a national system of marine protected areas, and on determining how this national system can best enhance state MPAs.
- ii. The SAG will provide a forum to facilitate interstate communication on MPA issues and efforts.
- iii. The SAG will provide guidance and recommendations on conducting analyses of state programs and policies to enhance the management of marine protected areas.
- iv. The SAG will assist the MPA State Liaison(s) from the National MPA Center in analyzing and documenting state concerns, issues, policies, and programs; and in recommending best practices from states as they relate to the management of a national system of marine protected areas.
- v. The SAG will assist NOS in the coordination of efficient data collection and in conducting follow-up and Quality Assurance/Quality Control activities.
- vi. The SAG will provide guidance, assistance, and recommendations to the National MPA Center and NOS in conducting an inventory of marine protected areas.

Appendix F

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July 2005**

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- Dr. Bonnie McCay, Department of Human Ecology, Rutgers University (Vice  
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- Dr. Mark Hixon, Department of Zoology, Oregon State University (Subcommittee  
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- Captain Robert Zales II, sport fishing (Subcommittee Vice Chair – National  
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- Mr. Lelei Peau, American Samoa Department of Commerce (Subcommittee  
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- Dr. Anthony Chatwin, The Nature Conservancy (Subcommittee Vice Chair –  
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- Mr. Mel Moon, Quileute Tribal Natural Resources Department (Subcommittee  
Chair – National and Regional Coordination of MPA Efforts)
- Mr. Michael Nussman, American Sportfishing Association (Subcommittee Vice  
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Other Members

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